

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11939, of Enid N. Warner, Carolyn Warner, Mary E. Warner, and Ho-War Plumbing Corp., pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to permit a parking lot in the SP zone as provided by Section 4101.41 of the regulations, at the premises 300-314 Eye Street, N.W., and 825-827 - 4th Street, N.W., Lots 15, 16, 17, 18, 19, 20, 21, 816, 817, 818, Square 528.

HEARING DATE: August 20, 1975
DECISION DATE: September 5, 1975

FINDINGS OF FACT:

1. Applicant proposes to continue use of a parking lot in the SP zone previously approved in BZA Order No. 10418 for a period of five (5) years.
2. Applicant further proposes to expand the parking lot to include Lots 21 and 818, located on the subject property. At the time of public hearing applicant had contracted to have the apartment house located on Lot 21, demolished but had no present plans for the flat located on Lot 818.
3. The staff report of the Zoning Services Division dated August 15, 1975, and subsequent testimony at public hearing recommended approval of the renewal of the parking lot provided all parking lot conditions set forth in BZA Order No. 10418 are complied with before the Certificate of Occupancy is issued. The report further recommended denial of the expansion of the parking lot because of the acute housing shortage in the District. A field inspection of the subject parking lot indicated as follows: The landscaping is not well maintained; litter and debris is present on the lot surface; there is coping on only the last side of the Eye Street entrance; and no bumper stops have been provided.
4. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the evidence of record the Board is of the opinion that the proposed parking lot renewal and expansion are not likely to become objectionable to nearby or adjoining property because of noise, traffic or other objectionable conditions and will not adversely affect the present character and future development of the neighborhood. The existing parking lot only generally complies with the conditions mandated in BZA Order No. 10418 with scattered litter, no bumper stops and poorly maintained landscaping. Compliance with all conditions of BZA Order No. 10418, will be required before a Certificate of Occupancy can be issued for the premises. Pursuant to Section 8207.2 of the Zoning Regulations, the Board finds that the proposed

parking lot is in harmony with the general intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

ORDER: It is hereby ORDERED that the above Application be, GRANTED CONDITIONALLY as follows:

- a. Permit shall be issue for a period of three (3) years, but shall be subject to renewal at the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.
- b. No Certificate of Occupancy shall be issued for the subject property until applicant has complied with all the conditions hereinafter set forth.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming and all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping plans must be approved by the Department of Highways & Traffic.
- h. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the Zoning District in which the parking lot is located.

i. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

VOTE: 3-0 (Mr. Scrivener, and Lilla Burt Cummings, Esq., not voting, not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER

Secretary to the Board

Final Date of Order:

11/17/75

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING/AND OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.